

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LARRY COLEMAN HICKS	§	
v.	§	CIVIL ACTION NO. 6:18cv358
KARL GENTRY	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS
AND ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

The Plaintiff Larry Hicks, a prisoner of the Smith County Jail proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court referred the matter to the Honorable John D. Love, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The sole named defendant is state parole officer Karl Gentry.

After review of the pleadings, the magistrate judge recommended dismissal of the lawsuit as malicious because the case is duplicative of another lawsuit which Hicks had filed against Gentry and two other individuals, Judge Kerry Russell and Smith County District Attorney Matt Bingham. The magistrate judge also recommended that Hicks be warned of the possibility of sanctions in the events he continues his pattern of abusive litigation.

After the magistrate judge’s Report issued, Hicks wrote five separate letters to the Court, but none of these address the basis for the magistrate judge’s recommendation; instead, they make vague allegations of conspiracy and ask the meaning of an equalization order. The most recent letter received by Hicks reads, in its entirety, “the Father in Heaven says, ‘if you do not move forward, there’s going to be big trouble.’”

The court conducted a *de novo* review of these letters, construed as objections, in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections lack merit.

ORDER

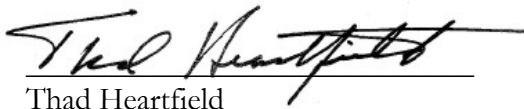
Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is accordingly

ORDERED that the above-styled civil action is **DISMISSED** with prejudice as malicious. It is further

ORDERED that the Plaintiff Larry Coleman Hicks is **WARNED** that any future filing of frivolous, malicious, scurrilous, or repetitive lawsuits, pleadings, motions, letters, or other documents, in this or any other case, may result in the imposition of sanctions, monetary or otherwise, in accordance with Fed. R. Civ. P. 11.

A final judgment will be entered in this case in accordance with the magistrate judge's recommendations. All motions not previously ruled upon are hereby **DENIED**.

SIGNED this the 7 day of **January, 2019**.



Thad Heartfield
United States District Judge